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**FILED**  
SEP 13 2022  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

RECEIVED  
U.S. BANKRUPTCY COURT  
2022 SEP 13 P 4:50

6 Debtor

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

8 In re:

9 MICHAEL HAROUTUN MIROYAN

10 Debtor.

) **Case Number: 18-52801-MEH**  
) Chapter 13  
)  
) NOTICE OF MOTION AND MOTION  
) AGAINST ATTORNEY KARYN DOI  
) AND GANG CHEN FOR VIOLATIONS  
) OF AUTOMATIC STAY [18 USC §  
) 362(k)]; DECLARATION OF MICHAEL  
) MIROYAN; MEMORANDUM OF  
) POINTS & AUTHORITIES;  
) [PROPOSED] ORDER; CERTIFICATE  
) OF SERVICE  
)  
) Date: Thursday October 27<sup>th</sup> 2022  
) Time: 1:30 p.m.  
) Location: Courtroom 11  
) Judge: Hon. Elaine Hammond

17  
18 **PLEASE TAKE NOTICE** that Debtor Michael Miroyan on the Date  
19 and Time noted above shall move this Court for an Order against Creditor  
20 Gang Chen and her Attorney Karyn Doi awarding actual damages and  
21 punitive damages against each of them in the amount of \$300,000 for  
22 intentionally violating Bankruptcy Law's Automatic Stay Law codified at 11  
23 U.S.C. § 362 and supporting case law, as well as an Order declaring that  
24 Judge Kim's Orders of 2-9-2019 and 3-8-2019 made in Hawaii's Third  
25 Circuit Court in Kona, Hawaii are void, a legal nullity and of no force and  
26 effect. Debtor Michael Miroyan seeks these damages against lawyer  
27 Karyn Doi, and her client Gang Chen for intentionally violating the  
28 automatic stay in this case that came into effect upon Miroyan's filing of his

1 Chapter 13 Bankruptcy Petition in this Court on 11-26-2018. On 12-20-  
2 2018, Gang Chen, through his attorney Karyn Doi filed papers seeking  
3 Summary Judgment in Hawaii's Third Circuit Court in Case Number 16-1-  
4 00043K, which was set for hearing and granted by Judge Robert D.S. Kim  
5 of Hawaii's Third Circuit Court Division 3 located in Kona, Hawaii on 2-9-  
6 2019 and 3-8-2019.

7 After receiving notice of the automatic stay both Creditor Gang Chen  
8 and his attorney Karyn Doi had a duty to reverse Judge Kim's grant of  
9 summary judgment, something they have failed to do now for almost 3 ½  
10 years, an egregious violation of law that requires this Court to impose  
11 meaningful damages and punitive damages for their deliberate and willful  
12 violations of the automatic stay law.

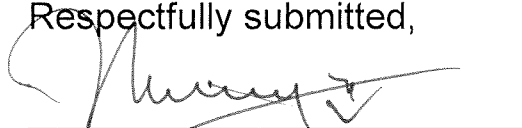
13 As a result, since both the filing of Summary Judgment motion  
14 papers by Attorney Karyn Doi on 12-20-2018 and Judge Kim's grant of  
15 Summary Judgment in favor of Plaintiff Gang Chen on 2-9-2019 and 3-8-  
16 2019 in the Chen civil case were done in violation of the Automatic Stay,  
17 the Order granting Summary Judgment is Void.

18 Debtor therefore seeks an Order issued by this Court declaring that  
19 Judge Robert D.S, Kim's 3-8-2019 Summary Judgment Order in favor of  
20 Plaintiff Gang Chen is Void, is a legal nullity and is of no force and effect.

21 This Motion is based upon this Notice, the supporting Declaration of  
22 Michael Miroyan with Exhibits, the Memorandum of Points and Authorities  
23 in support of this Motion, a [Proposed] Order for the Court, a Certificate of  
24 Service any any oral argument made at the hearing.

25 Dated: September 8<sup>th</sup> 2022.

Respectfully submitted,

26  
27   
28 Michael Miroyan  
Debtor

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

|                                   |   |                        |
|-----------------------------------|---|------------------------|
| KENNETH Y. KAI and TAE K. KAI,    | ) | CIVIL NO. 15-1-0164K   |
| TRUSTEES OF THE KAI FAMILY 1998   | ) | (Foreclosure)          |
| TRUST,                            | ) |                        |
|                                   | ) | CERTIFICATE OF SERVICE |
| Plaintiffs,                       | ) |                        |
|                                   | ) |                        |
| vs.                               | ) |                        |
|                                   | ) |                        |
| HAWAIIAN RIVERBEND, LLC;          | ) | No trial date set.     |
| COUNTY OF HAWAII; JOHN DOES 1-10; | ) |                        |
| JANE DOES 1-10; DOE CORPORATIONS  | ) |                        |
| 1-10; DOE PARTNERSHIPS 1-10;      | ) |                        |
| DOE ENTITIES 1-10; and DOE        | ) |                        |
| GOVERNMENTAL ENTITIES 1-10,       | ) |                        |
|                                   | ) |                        |
| Defendants.                       | ) |                        |
|                                   | ) |                        |
|                                   | ) |                        |
|                                   | ) |                        |

CERTIFICATE OF SERVICE

I hereby certify that on the date noted below, a copy of the foregoing document was duly served on the following parties at their last known addresses by depositing same in the U.S. Mail, postage pre-paid:

PAUL J. SULLA, JR., ESQ.  
P.O. Box 5258  
Hilo, Hawaii 96720

Attorney for Defendant/Counterclaimant  
HAWAIIAN RIVERBEND, LLC

ANDREW M. KENNEDY, ESQ.  
75-167 Kalani Street, Suite 201  
Kailua-Kona, Hawaii 96740

Court Appointed Commissioner

JOSEPH K. KAMELAMELA, ESQ.  
Corporation Counsel  
CRAIG T. MASUDA, ESQ.  
RENEE N. C. SCHOEN, ESQ.  
Deputies Corporation Counsel  
County of Hawaii  
101 Aupuni Street, Suite 325  
Hilo, Hawaii 96720

Attorneys for Defendant  
COUNTY OF HAWAII

DATED: Honolulu, Hawaii, December 20, 2018.



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MICHAEL C. CARROLL  
MATTHEW C. SHANNON

Attorneys for Plaintiffs/  
Counterclaim Defendants

1 Michael Miroyan  
P.O. Box 3181  
2 Saratoga, CA 95070  
Tel: (408) 913-3123  
3 E-mail: mac8881@me.com

4 Debtor

5 UNITED STATES BANKRUPTCY COURT  
6 NORTHERN DISTRICT OF CALIFORNIA  
7 SAN JOSE DIVISION

8 In re: ) **Case Number: 18-52801-MEH**  
9 MICHAEL HAROUTUN MIROYAN ) Chapter 13  
10 Debtor. ) [PROPOSED] ORDER  
11 ) Date: Thursday October 27<sup>th</sup> 2022  
12 ) Time: 1:30 p.m.  
13 ) Location: Courtroom 11  
14 ) Judge: Hon. Elaine Hammond

14 The Court, upon review of the moving papers of Debtor, the  
15 opposition papers and oral argument made at the hearing of this Motion,  
16 and good cause appearing, hereby grants Debtor Michael Haroutun's  
17 Motion for Damages for Violations of the Automatic Stay and hereby  
18 awards damages against Creditor Gang Chen and his attorney Karyn Doi  
19 as follows:

20 DAMAGES AGAINST CREDITOR GANG CHEN:

21 Actual Damages: \$ \_\_\_\_\_

22 Punitive Damages: \$ \_\_\_\_\_

23 DAMAGES AGAINST ATTORNEY KARYN DOI:

24 Actual Damages: \$ \_\_\_\_\_

25 Punitive Damages: \$ \_\_\_\_\_

26 Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge Elaine Hammond

1 Michael Miroyan  
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6 Debtor

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re: ) **Case Number: 18-52801-MEH**  
MICHAEL HAROUTUN MIROYAN ) Chapter 13  
Debtor. ) [PROPOSED] ORDER  
Date: Thursday October 27<sup>th</sup> 2022  
Time: 1:30 p.m.  
Location: Courtroom 11  
Judge: Hon. Elaine Hammond

The Court, upon review of the moving papers of Debtor, the opposition papers and oral argument made at the hearing of this Motion, and good cause appearing, hereby finds:

1. Creditor Gang Chen and his attorney filed a Motion for Summary Judgment in Hawaii's Third Circuit Court Case Number: Case Number 16-1-00043K on 12-20-2018.
2. The Court finds that an Order granting Summary Judgment was made on 2-14-2019 and was signed by Judge Robert D.S. Kim on 3-8-2019.
3. The Court finds that since the automatic stay was in effect as of 11-26-2018 in this case and was not lifted until after the above dates, the grant of Summary Judgment in this case is Void and is of no force and effect.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge Elaine Hammond

# BANKRUPTCY COURT

RECEIVED  
SEP 14 2022

U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

Name:

Michael Micoyan

Case #:

18-52601-MEH